

Application No. 09/883,364
Reply to Office Action of July 22, 2003
Docket No. 2002-1019

REMARKS/ARGUMENTS

The application has been amended and is believed to be in condition for allowance.

Previously claims 1-2, 6, and 8-12 are pending.

There are no formal matters outstanding.

The Official Action rejected claims 1, 2, 6, 8, 10 and 12 under §103 as obvious over MASUDA et al. 5,169,369 in view of TAKAGI (JP-1-247841).

The Official Action rejected claims 9 and 11 under §103 as obvious over MASUDA et al. in view of TAKAGI and in further view of MARUYAMA (EP-421804).

In summary, MASUDA et al. is offered as disclosing the recited features of the independent claims, less the projection (14) and the recess (15) extending in a horizontal direction over the entire dimension of the second part (12).

For this recitation, TAKAGI is offered.

In this Official Action it is pointed out that TAKAGI is offered only for the shape of the projection, and thus that the Official Action does not find any other missing features of TAKAGI to be relevant.

Applicants believe that the fact that the TAKAGI element is so different from that of MASUDA et al. as to design and materials, and that the two are used in different applicants is indeed relevant. This is because in making a proposed

Application No. 09/883,364
Reply to Office Action of July 22, 2003
Docket No. 2002-1019

combination, the Examiner needs to be sensitive to the field of the invention (the relevant art), what the problems in the field of technology are, and what has already been done in certain aspects of this field. These factors relate as to whether the second reference (TAKAGI) is applicable as a reference providing motivation to modify MASUDA et al.

The claims were amended to make explicit now that the invention is directed to a carrier consisting of two metallic endless band packages on which transverse metal elements are disposed freely moveable in a longitudinal direction of the band.

In view of the entire recited invention, the fact that the secondary TAKAGI reference fails to teach a transverse element appropriate to that invention is indeed relevant. As previously stated, TAKAGI does not disclose any of:

the transverse element or the tensile belts being produced in metals;

a tilting line present below a protrusion and a recess part;

the lower part of the element being tapered; and

the protrusion and recess as taken in side elevation being tapered, that is at least the elements are freely moveable in the longitudinal direction.

The implications of TAKAGI teaching a synthetic material (e.g., rubber) does not appear to have been considered

Application No. 09/883,364
Reply to Office Action of July 22, 2003
Docket No. 2002-1019

in maintaining the present rejection. Also apparently not considered is that the shape taught by TAKAGI does not lend itself to being incorporated in the MASUDA et al. element, the necessary method of manufacture not being readily available to the MASUDA et al. element's manufacture. See that each of independent claims 1, 10 and 12 explicitly recite metal elements.

In view of these differences, TAKAGI is not seen as being appropriate as a secondary reference, and that any teachings of TAKAGI do not lend themselves to modifying MASUDA et al.

The method of manufacturing the MASUDA et al. elements is also believed relevant in that the manufacture method limitations are relevant as to whether TAKAGI would be seen as offering anything relevant to MASUDA et al.

Transverse elements such as those of MASUDA et al. are produced by way of fine blanking since amongst many other conceivable ways of producing, it has been clear, and over time been proven to be the most economical, reliable, and fastest process.

However, there are problems associated with this process, as mentioned in the introductory part of the specification (page 2, line 30 - page 3, line 2), relating to the amount of material required around a projection and recess to be blanked, the additional power required therefore at blanking, and

Application No. 09/883,364
Reply to Office Action of July 22, 2003
Docket No. 2002-1019

the risk of deformation of the elements at incorrect conditions of blanking. The geometry taught by TAKAGI is not seen as being one that those skilled in the art would adapt to a blanking manufacturing process. If the feature of TAKAGI is not seen as being manufacturable, those of skill would not adapt the feature.

For these reasons, the obviousness rejections are not believed to be viable.

Accordingly, reconsideration and allowance of all claims are respectfully requested. The dependent claims are believed to be allowable at least for depending from an allowable independent claim.

Entry of the above amendments is earnestly solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Application No. 09/883,364
Reply to Office Action of July 22, 2003
Docket No. 2002-1019

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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